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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/252,322 02/18/99 CAMPBELL

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EXAMINER

DAWSON, G

ART UNIT

PAPER NUMBER

3761

DATE MAILED:

06/12/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/252,322

Applicant(s)

Campbell et al

Examiner

Glenn Dawson

Group Art Unit

3761



☒ Responsive to communication(s) filed on Apr 3, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-62 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-62 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

*Ceda*  
GLENN K. DAWSON  
PATENT EXAMINER

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton-'877 in view of Ravenscroft et al-'201.

Hamilton discloses the invention as claimed with the exception of the PTFE being porous. Ravenscroft discloses in col. 2 lines 54-62 that it was known to construct a balloon using a wrap of porous PTFE. It would therefore have been obvious to use the porous PTFE as taught by Ravenscroft for the non-compliant material in Hamilton's balloon especially in the event that the balloon is to be formed with a porous outer wrapped layer, as a porous PTFE wrap would provide a more lubricious surface by which the balloon may pass through an outer introducing catheter or through the vasculature in the event that the balloon is not sheathed, and/or when used to introduce a PTFE graft it would reduce surface tension and facilitate the graft's release from the balloon. It is well-known in the art that balloon catheters are configured for stent and graft delivery; and that balloon burst pressures vary widely between balloon materials wherein non-complaint materials can oft be rated to 16atm. or higher and complaint materials have lower rated pressures of 10atm. or higher. It would have been obvious that a balloon made out of compliant

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and non-compliant materials would have burst pressures greater than balloons made only of compliant materials and therefore would have burst pressures of over 10atm. It would be obvious that balloons made out of the materials disclosed by Hamilton as modified by Ravenscroft would exhibit the same properties as the applicants balloon and therefore would have the same burst pressures and compaction ratios as the applicant's balloon.

### ***Response to Arguments***

Applicant's arguments filed 04-03-00 have been fully considered but they are not persuasive.

As pointed out in the rejection, Ravenscroft does disclose that porous PTFE wrappings were known and used for balloons. The wrappings as disclosed by Ravenscroft can be covered by a lubricious coating. In any event, the non-complaint material(porous PTFE) would be sealed by being sandwiched between layers of the elastomer layer, or between one layer of elastomer and the outer lubricious coating.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Glenn Dawson at telephone number (703) 308-4304. Examiner Dawson can normally be reached on Monday through Thursday from 7:00 AM to 5:30 PM, Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, examiner Dawson's supervisor, John Weiss, can be reached at (703) 308-2702. The fax number for Group 3300 is (703) 305-3590 or 3591.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group 3300 receptionist at (703) 308-0858.

GKD  
June 9, 2000

*Ilan*  
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